

As discussed above, claim 1 is written in the form Bsp and claim 6 is written in the form ABsp. Accordingly, under MPEP § 806.05(c)I, restriction is not proper.

It is respectfully submitted that the Examiner's determination that the combination as claimed does not require the particulars of the subcombination as claimed because the plurality of active isolator devices do not have to be mechanically coupled to the metrology frame. The metrology frame is an feature of the combination claim 6. The recitation of the active isolator devices partially isolating and damping vibrations of the metrology frame is also a feature of the combination claim 6. In the subcombination claim 1, the active isolator devices are mechanically coupled to a body, which is a feature of the subcombination. However, the combination claim 6 still requires the particulars of the subcombination claim 1, in particular, a plurality of active isolator devices which are controllable by a control system, the control system being configured to: decouple vibrations in modal directions; determine a modal compensation signal for each modal direction; recouple each modal compensation signal into an active isolator control signal for each active isolator device; and stabilize at least one unstable natural mode of the body. Therefore, under MPEP § 806.05(c)I, the restriction requirement is not proper.

Claim 11 recites a vibration isolation method for at least partially isolating and damping vibrations of a body, the method comprising: detecting vibrations in the body; decoupling the detected vibrations in modal directions; determining a modal compensation signal for each modal direction; recoupling the modal compensation signal to an active isolator control signal for each of a number of active isolator devices which are mechanically coupled to the body; and feeding the active isolator control signals to the respective active isolator devices, wherein at least one unstable natural mode of the body is stabilized. Claim 11 thus clearly recites a subcombination of the form Bsp.

Claim 16 recites a device manufacturing method, *inter alia*, wherein disturbing vibrations in a system performing the projecting of the patterned beam of radiation are prevented by: detecting vibrations in the projecting system; decoupling the detected vibrations in modal directions of the projecting system; determining a modal compensation signal in each modal direction; recoupling the modal compensation signal into an active isolator control signal for each of a number of active isolator devices which are mechanically coupled to the projecting system; and feeding the active isolator control signals to the respective active isolator devices, wherein at least one unstable natural mode of the projecting system is stabilized. Claim 16 thus clearly recites a combination of the form ABsp.

As claim 11 recites Bsp and claim 16 recites ABsp, restriction is not proper under MPEP § 806.05(c)I.

As discussed above, the Examiner's determination that the combination does not require the particulars of the subcombination is incorrect. The projection system is a feature of the combination claim 16. However, combination claim 16 still requires the particulars of the subcombination claim 11, in particular, detecting vibrations in the body (projecting device); decoupling the detected vibrations in modal directions; determining a modal compensation signal for each modal direction; recoupling the modal compensation signal to an active isolator control signal for each of a number of active isolator devices which are mechanically coupled to the body (projecting system); and feeding the active isolator control signals to the respective active isolator devices, wherein at least one unstable natural mode of the body (projecting device) is stabilized.

It is also respectfully noted that the Examiner has not provided any analyses of the relationship between: 1) Group I and Group III; 2) Group I and Group IV; 3) Group II and Group III; and 4) Group II and Group IV.

It is respectfully submitted that Group I and Group III are clearly related as a process and apparatus for its practice. It is respectfully noted that the Examiner has not performed the analysis required by MPEP § 806.05(e) for restriction between these related inventions.

It also respectfully submitted that Group I and Group IV are related as a process and apparatus for its practice. (The preventing of disturbing vibrations of claim 16 can clearly be practiced by the vibration isolation system of claim 1.) It is respectfully noted that the Examiner has not performed the analysis required by MPEP § 806.05(e) for restriction between these related inventions.

It is further respectfully submitted that Group II and Group III are related as a process and apparatus for its practice. (The vibration isolation method of claim 11 can clearly be practiced by the plurality of active isolator devices and control system of claim 6.) Again, it is respectfully noted that the Examiner has not performed the analysis required by MPEP § 806.05(e).

It is even further respectfully submitted that Group II and Group IV are related as a process and apparatus for its practice. It is again respectfully noted that the Examiner has not performed the analysis required by MPEP § 806.05(e) for restriction between these related inventions.

MPEP § 808 states: “Every requirement to restrict has two aspects: (A) the reasons (as distinguished from the mere statement of conclusion) why each invention *as claimed* is either independent or distinct from the other(s); and (B) the reasons why there would be a serious burden on the examiner if restriction is not required, i.e., the reasons for insisting upon restriction therebetween as set forth in the following sections.” (Italicized emphasis in original; underlining emphasis added.)

Moreover, MPEP § 808.02 states: “Where the related inventions as claimed are shown to be independent or distinct under the criteria of MPEP § 806.05(c) - § 806.06, the examiner, in order to establish reasons for insisting upon restriction, must explain why there would be a serious burden on the examiner if restriction is not required.” (Underlining emphasis added.)

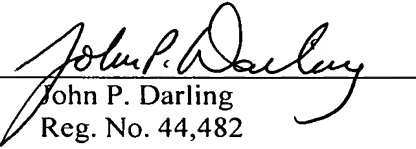
Furthermore, MPEP § 803 states: “If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions.” (Underlining emphasis added.) It is respectfully submitted that it is clear from this MPEP section that it is PTO policy that the entire application must be searched and examined, regardless of the presence of independent or distinct inventions, if no serious burden exists.

It is respectfully submitted that the entire application can be searched and examined without a serious burden.

The restriction requirement fails to satisfy the criteria for a proper restriction requirement under MPEP § 803 and MPEP § 808 because 1) the Examiner has incorrectly concluded that combinations do not require the particulars of the subcombination; and 2) fails to perform the complete analyses required to establish that the various related inventions are patentably distinct (i.e. fails to provide any analyses of the relationship between i) Group I and Group III; ii) Group I and Group IV; iii) Group II and Group III; and iv) Group II and Group IV).

Reconsideration and withdrawal of the restriction requirement are respectfully requested.

Respectfully submitted,  
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